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AUTHORIZING THE SECRETARY OF THE INTERIOR TO PRESERVE THE ECOLOGY OF THE NASSAU RIVER VALLEY MARSHLANDS IN THE STATE OF FLORIDA, TO ENHANCE THE PROTECTION AND INTERPRETATION OF IMPORTANT HISTORIC AND PREHISTORIC SITES IN THE VICINITY OF THE NASSAU, SAINT MARYS, AND SAINT JOHNS RIVER VALLEYS, FL, AND FOR OTHER PURPOSES

DECEMBER 5, 1985.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 2483]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 2483) authorizing the Secretary of the Interior to preserve the ecology of the Nassau River Valley marshlands in the State of Florida, to enhance the protection and interpretation of important historic and prehistoric sites in the vicinity of the Nassau, Saint Marys, and Saint Johns River Valleys, FL, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 3, strike all after the enacting clause and insert:

TITLE I—FORT CAROLINE NATIONAL MEMORIAL

SEC. 101. AMENDMENTS OF 1950 ACT.

The Act entitled "To provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, Saint Johns Bluff, Florida," approved September 21, 1950 (64 Stat. 897), is amended as follows:

(1) Section 2 is amended by adding the following after the final period: "Such historical park shall serve as the principal interpretive center and administrative facility for such ecological and historic and prehistoric sites as may be identified or

administered by the Secretary in the vicinity and in the Nassau, Saint Marys, and Saint Johns River Valleys."

(2) Section 3 is repealed, and sections 4 and 5 are redesignated as sections 3 and 4, respectively.

(3) Section 4, as so redesignated, is amended by striking out the phrase ", not to exceed \$40,000,".

TITLE II—PRESERVATION OF NASSAU ECOLOGICAL AREA AND PROTECTION OF SIGNIFICANT HISTORIC ASSETS

SEC. 201. NASSAU ECOLOGICAL PRESERVE.

(a) **ESTABLISHMENT.**—There is hereby established the Nassau Ecological Preserve (hereafter in this Act referred to as the "Preserve"). The Preserve shall comprise the lands, waters, and interests therein within the boundaries generally depicted on a map entitled "Nassau Ecological Preserve" and dated November 1985 and numbered NA-NEP 80,000. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Preserve shall also include within its boundaries all that land consisting of approximately 500 acres adjacent to Fort Caroline National Memorial and known as the Theodore Roosevelt Preserve, being land formerly owned by one Willie Brown and donated by him to The Nature Conservancy.

(b) **LAND ACQUISITION.**—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, submerged lands, interests therein, and improvements thereon within the Preserve by donation, purchase with donated or appropriated funds, or exchange, but no interest therein, improvements thereon, or lands other than marshlands shall be acquired without the consent of the owner. Lands, interests in lands, and improvements thereon within the boundaries of the Preserve which are owned by the State of Florida or any political subdivision thereof may be acquired only by donation or exchange.

(c) **ADMINISTRATION.**—The Secretary shall administer the Preserve in such a manner as to protect the natural ecology of its land and water areas in accordance with this Act and the provision of law generally applicable to units of the national park system, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4). The Secretary shall permit boating, boating-related activities, hunting, and fishing within the Preserve in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety.

SEC. 202. PROTECTION OF SIGNIFICANT HISTORIC ASSETS.

The Secretary, with the consent of the owners thereof, may acquire by donation or purchase with donated funds the following properties or sites of significant historic interest in northeastern Florida:

- (1) Spanish sixteenth century forts San Gabriel and San Estaban.
- (2) Spanish eighteenth century fort Dos Hermanas.
- (3) English eighteenth century forts Saint George on Fort George Island, Tonyn on the Saint Mary's River, and at Saint Johns Bluff.
- (4) Spanish sixteenth and seventeenth century mission San Juan del Puerto.
- (5) Site of the American Revolutionary War battles of Thomas Creek and Alligator Bridge.
- (6) The eighteenth and nineteenth century buildings on the Zephaniah Kingsley plantation.
- (7) The Spanish American War fortification on Saint Johns Bluff.

SEC. 203. INTEGRATED ADMINISTRATION AND INTERPRETATION.

The Secretary shall administer and interpret the Nassau Ecological Preserve established pursuant to section 201 and any priorities of historic interest acquired pursuant to section 202 of this title in accordance with a plan that integrates the administration and interpretation of the ecological values of the Preserve and the historical values of the sites so acquired and the historical features of Fort Caroline. Such administration and interpretation shall be conducted through the facilities and staff of Fort Caroline National Memorial consistent with section 2 of the Act of September 21, 1950 (64 Stat. 897).

SEC. 204. AUTHORIZATION.

Effective October 1, 1986, there are authorized to be appropriated for purposes of this title for acquisition of lands and interests in lands not more than \$5,000,000 and

for development not more than \$500,000. Such sums shall remain available until expended.

Amend the title so as to read:

Authorizing the Secretary of the Interior to preserve the ecology of the Nassau Valley marshlands in the State of Florida, to enhance the protection and interpretation of important historic and prehistoric sites in the vicinity of the Nassau, Saint Marys and Saint Johns River Valleys, Florida and for other purposes.

BACKGROUND

H.R. 2483 would establish an ecological preserve, including marshland (estuarine) areas of the St. Marys River (south of the Florida-Georgia border), the Nassau River, and the St. Johns River.

The estuarine areas of the three rivers form a continuous tidal marshland, protected by barrier islands, and are considered by many biologists to be among the richest, most productive marshes in the United States. Recreation activity, primarily boating and fishing in the channels of the marsh area is extensive.

These marshlands provide the rich food source for feeding and nursery areas used by numerous species of fish and shellfish—particularly shrimp. The impairment or loss of these marshes could cause dramatic losses to the marine fisheries of northern Florida.

In addition, the marshes provide essential, even critical habitat for many species of resident and migratory birds. The area also provides critical habitat for the endangered manatee.

The area provides an unusual ecological system of three inter-related riverine estuaries protected by barrier islands. No similar system is protected within a unit of the National Park System.

This region of northern Florida also provides a remarkably rich tapestry of the history of European settlement of North America. Fort Caroline, on the southern boundary of the proposed ecological unit, established by the French in 1564, is a unit of the National Park System, as is St. Augustine, which was established by the Spanish one year later. Included in the proposed boundary are sites remaining from the British occupation after the French-Indian War; the first road built by the Spanish in 1565 to attack Fort Caroline; a Spanish mission, San Juan del Puerto; the southernmost battlefields of the Revolutionary War at Thomas Creek and Alligator Bridge; and the Confederate Fort at Yellow Bluff.

H.R. 2483 authorizes the acquisition by the Secretary of the Interior of the land within the boundary of the ecological area, almost all of which is submerged land. The area is estimated to be approximately 80,000 acres, of which about 50,000 are in state ownership. State lands can only be acquired by donation or exchanges. The Secretary is also authorized to acquire specific historic properties: Fort San Gabriel, Fort San Estaban, Fort Dos Hermanas, Fort St. George, Fort Tonyn, Mission San Juan del Puerto, revolutionary battlefields at Thomas Creek and Alligator Bridge, the Zephaniah Kingsley plantation and a Spanish American war fortification. No property, other than marshland, can be acquired without the consent of the owner.

PURPOSE

The purpose of H.R. 2483¹ is to authorize the Secretary of the Interior to preserve the ecology of the Nassau Valley Marshlands in the State of Florida, to enhance the protection and interpretation of important historic and prehistoric sites in the vicinity of the Nassau, Saint Marys and Saint Johns River Valleys, Florida, and for other purposes.

SECTION-BY-SECTION

Section 101 amends the Act of September 21, 1950 establishing the Fort Caroline National Memorial to expand the authority to include interpretation of such ecological, historic and prehistoric sites as may be identified or administered by the Secretary of the Interior in the vicinity of the Nassau, Saint Marys or Saint Johns River Valleys. The \$40,000 authorization limitation is removed.

Section 201 establishes the Nassau Ecological Preserve by map reference. The Secretary is authorized to acquire lands within the boundary but may acquire lands owned by the State or political subdivision thereof only by donation or exchange. No lands or interests therein, except marshland, may be required without the consent of the owner. The Secretary is required to administer the area in such a manner as to protect the natural ecology of the land and waters therein. The Secretary is required to permit boating, boating-related activities, hunting and fishing in accordance with applicable Federal and State law.

The Committee specifically did not include trapping as a permissible activity within the boundary of the Preserve. The Committee notes the presence of the manatee within the Preserve during certain times of the year, and urges the Secretary to take appropriate action to protect these rare mammals.

Section 202 permits the Secretary to acquire, by donation or purchase with donated funds and with the consent of the owners, certain specified historic sites.

Section 203 requires the Secretary to administer and interpret the Preserve in accordance with a plan that integrates the ecological values of the Preserve with the historic values of the sites and those of Fort Caroline.

Section 204 authorizes appropriations not to exceed \$5,000,000 for land acquisition and \$500,000 for development.

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

Hearings were held by the Subcommittee on National Parks and Recreation on H.R. 2483 on July 23, 1985. The bill was considered on October 29, 1985 and was recommended to the Committee on Interior and Insular Affairs with an amendment in the nature of a substitute. The Committee on Interior and Insular Affairs approved H.R. 2483 as amended, on November 20, 1985 by voice vote.

The Committee has included language in this act to incorporate the Theodore Roosevelt Preserve within the boundary. The Committee urges the Secretary to acquire an easement or leasehold

¹ H.R. 2483 was introduced by Representative Bennett on May 14, 1985.

over these lands from The Nature Conservancy as soon as practicable.

INFLATIONARY IMPACT STATEMENT AND BUDGET ACT COMPLIANCE

The Committee believes no inflationary impact will result from the enactment of this legislation. The analysis of the Congressional Budget Office, which the Committee adopts as its own, follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2483.

2. Bill title: A bill authorizing the Secretary of the Interior to preserve the ecology of the Nassau River Valley marshlands in the State of Florida, to enhance the protection and interpretation of important historic and prehistoric sites in the vicinity of the Nassau, Saint Marys and Saint Johns River Valleys, Florida, and for other purposes.

3. Bill status: As ordered reported by the House Committee on Interior and Insular Affairs, November 20, 1985.

4. Bill purpose: H.R. 2483 would establish the Nassau Ecological Preserve in northeastern Florida. Effective October 1, 1986, the bill would authorize the appropriation of \$5 million for land acquisition and \$0.5 million for development within the preserve. Certain historic properties would also be acquired by the Department of the Interior by donation. The preserve and historic sites would be administered by the National Park Service.

H.R. 2483 would also amend a 1950 act establishing the Fort Caroline National Memorial in order to recognize the joint administration of the memorial and the ecological preserve.

5. Estimated cost to the Federal Government:

(By fiscal years, in millions of dollars)

	1986	1987	1988	1989	1990
Authorization level.....		5.5			
Estimated outlays.....		2.2	1.9	1.1	0.3

The costs of this bill fall within budget function 300.

Basis of estimate: The authorization level is as stated in the bill. For purposes of this estimate, it is assumed that the entire amount authorized by H.R. 2483 will be appropriated for fiscal year 1987 and that the appropriated amounts will be sufficient to acquire all property specified by the bill. Because administration of these sites will be conducted through existing facilities and staff at Fort Caroline, it is not expected that any significant additional operating expenses would be incurred. Outlays have been estimated on the basis of historical spending patterns for National Park Service activities.

6. Estimated cost to State and local governments: None.

7. Estimated comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deb Reis.

10. Estimate approved by: C.G. Nuckols (For James L. Blum, Assistant Director for Budget Analysis).

OVERSIGHT STATEMENT

The Committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the Act. No recommendations were submitted to the Committee pursuant to Rule X, clause 2(b)(2).

DEPARTMENT REPORT

The Committee requested a report from the Department of the Interior on May 28, 1985. The report received from the Department follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, September 17, 1985.

HON. MORRIS K. UDALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 2483, a bill "Authorizing the Secretary of the Interior to preserve the ecology of the Nassau River Valley marshlands in the state of Florida, to enhance the protection and interpretation of important historic and prehistoric sites in the vicinity of the Nassau, Saint Marys and Saint Johns River Valleys, Florida, and for other purposes."

Because the natural and historical resources addressed by H.R. 2483 have not been found to be nationally significant, and because non-Federal entities are already providing an adequate level of protection for several of these resources, we strongly recommend against enactment of this bill.

H.R. 2483 would authorize acquisition of the marshlands within the Nassau River estuary in northeastern Florida, to be administered from the existing Fort Caroline National Memorial. The bill further directs the Secretary to construct a museum at Fort Calo-line, and it would authorize the acquisition by donation or with donated funds of certain historic properties in northeastern Florida when necessary to protect them from irreparable and significant damage.

The principal resources addressed by H.R. 2483 are the marshes of the Nassau River and several historic sites, among them certain Spanish and English fortifications. The Nassau River estuary contains waterfowl habitat, significant sport fishing opportunities, and natural and unspoiled marshlands. It is not, however, a unique natural resource that needs to be included in the National Park System. Everglades National Park in Florida and Cumberland Island National Seashore in Georgia contain examples of marshlands; furthermore, many units of the National Wildlife Refuge System contain marshland waterfowl habitat similar to the Nassau River estuary. The marshes of the Nassau River are also being managed chiefly for the protection of their ecological values by the

State of Florida. For example, 52,000 acres are now managed as an aquatic preserve in the Saint Johns and Nassau River estuaries.

Except for the State-owned Kingsley Plantation, the historic sites and fortifications listed in H.R. 2483 have not been studied as to their significance. The Kingsley Plantation is listed on the National Register of Historic Places, but the other sites are not. Unless or until the national significance of these sites is established by appropriate historical studies and documentation, we cannot support their inclusion in the National Park System.

The cost of acquiring a similar area was estimated at \$10,388,000 in 1972 for 46,859 acres of private land. We have not updated this estimate. Moreover, we understand that the boundary which would be included under H.R. 2483 differs from that proposed in 1972 in that the current boundary includes lands within the Saint Marys River Valley, lands which were not within the area proposed in 1972. We understand that the boundary contemplated under the current bill includes some 120,000 acres.

For those reasons, we strongly recommend against enactment of H.R. 2483.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Acting Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 21, 1950

(64 Stat. 897)

That the Secretary of the Interior is authorized to acquire, on behalf of the United States, by purchase, donation, or otherwise, the following described lands (together with any improvements thereon), to commemorate the historic settlement of Fort Caroline:

Lots 21 and 22 and Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, and 11A, of Saint Johns Bluff Estates, a subdivision of land described in plat book 18, page 50, of the current public records of Duval County, Florida.

All Z. Kingsley Grant, section 44, township 1 south, range 28 east, and Shipyard Island, also known as Island Numbered 12 (excepting therefrom that part of Z. Kingsley Grant, section 44, township 1 south, range 28, east, as described in deed recorded in deed book 4, page 3, of the current public records of Duval County, Florida).

SEC. 2. The Secretary of the Interior shall conduct such historical, archeological, and other investigations of the lands acquired pursuant to section 1 of this Act as may be necessary to prepare an

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appropriate plan for the permanent preservation and exhibition of their historical features to the public. In the event that the Secretary shall determine it to be in the national interest, the acquired lands, upon the publication in the Federal Register of an appropriate order of the Secretary of the Interior, shall constitute the Fort Caroline National Historical Park, set apart as a memorial to the founders of the sixteenth century colony of Fort Caroline.

Such historical park, if established, shall be administered by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535), and the Act of August 21, 1935 (49 Stat. 666). *Such historical park shall serve as the principal interpretive center and administrative facility for such ecological and historic and prehistoric sites as may be identified or administered by the Secretary in the vicinity and in the Nassau, Saint Marys, and Saint Johns River Valleys.*

[SEC. 3. In the event that the Secretary of the Interior shall determine that the area would be more suitably administered as a State historical park, the Secretary is hereby authorized to transfer title to the land and improvements thereon to the State of Florida. *Provided*, That the State shall perpetually maintain the area for State historical park use generally in accordance with the plan formulated by the Secretary. In the event that the State shall cease to use the land for historical park purposes, or attempt to alienate the lands, title thereto shall revert to the United States; and if, following any such reversion, the Secretary of the Interior shall determine that such lands would not be suitable for a national historical park and recommend that the United States sell or otherwise dispose of such lands, the former owners (other than the State) from whom such lands shall have been acquired by the United States under the provisions of this Act, or their heirs, shall have an option to repurchase the lands at the price received therefor under this Act. Before acquiring any lands as provided in section 1 hereof, the Secretary shall secure from the State of Florida, a statement of its willingness to accept and administer the lands in accordance herewith in the event that the Secretary shall determine that the lands should be administered by the State.]

SEC. 4. The Secretary of the Interior is authorized to accept gifts of lands, interest in lands, funds, and other property from individuals, associations, and groups and public bodies to be used in carrying out the purposes of this Act.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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